

Executive Registry

17-5768

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MEMORANDUM FOR: Addressees Listed

SUBJECT: Separations

1. The attached regulation, [] entitled "Separations," was originated and approved by the CIA Career Council. It has also been extensively studied by the Deputy Director of Central Intelligence. Several adjustments have been made and it has been approved by the DDCI in its present form. It has also been reviewed and approved in its present form by the General Counsel.

2. Since the regulation pertains directly to the statutory authorities of the Director, it will be signed by the Director and will be presented to and discussed with the Director by the DDCI. Consistent with established procedures formal indication of your concurrence is requested on the sheet provided therefor.

[]
Acting Director of Personnel

Attachment

Addressee Distribution

- Orig & 3 - Acting Deputy Director (Support)
- 1 - Director of Central Intelligence
- 1 - Deputy Director of Central Intelligence ✓
- 1 - Executive Registry
- 1 - Deputy Director (Intelligence)
- 1 - Deputy Director (Plans) w/held
- 1 - General Counsel
- 1 - Inspector General
- 1 - Acting Director of Personnel

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REGULATION
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REGULATION

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SEPARATIONS

SECTION I: Voluntary Separations
Separation to Enter Military Service
Mandatory Separations
Death

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Rescissions:

- (1) [] dated 10 February 1955
- (2) [] dated 23 April 1955 and 30 January 1959
- (3) [] dated 1 November 1954

1. POLICY

- a. An employee who wishes to resign or, when eligible, to retire is expected to give reasonable notice of his intention to do so.
- b. An employee entering active military service under a program providing restoration rights to his civilian employment shall be separated by administrative action in such a way as to preserve his legal entitlements.
- c. The Agency shall act promptly to effect necessary actions when an employee dies or when his separation is mandatory.

2. RESPONSIBILITIES

The Director of Personnel is responsible for the proper processing of the different types of separations.

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SEPARATIONS

SECTION II: Involuntary Separations

1. STATUTORY POWERS OF THE DIRECTOR OF CENTRAL INTELLIGENCE

The Director of Central Intelligence is empowered to terminate the employment of any Agency employee when he determines that such action is necessary or advisable in the interests of the United States. Termination action is accomplished under the authority of section 102(c) of the National Security Act of 1947 quoted below:

"Notwithstanding the provisions of Section 6 of the Act of August 24, 1912 (37 Stat. 555), or the provisions of any other law, the Director of Central Intelligence may, in his discretion, terminate the employment of any officer or employee of the Agency whenever he shall deem such termination necessary or advisable in the interests of the United States, but such termination shall not affect the right of such officer or employee to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the United States Civil Service Commission."

2. POLICY

In order to meet the existing responsibilities placed upon the Agency and pursuant to his statutory authority, the Director of Central Intelligence may separate any employee immediately when he deems it necessary or advisable

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in the interests of the United States. To the extent that is consistent with the interests of the United States, separations shall be effected on the basis of a thorough and impartial review of all pertinent information, favorable and unfavorable to the individual concerned.

3. SCOPE AND APPLICABILITY

The provisions of this regulation apply to those persons who are nominated for separation for such reasons as: failure to meet the work and efficiency standards of the Agency, willful abandonment of position, insubordination, delinquency, a criminal act, misconduct, inability to meet Agency security standards, inability to meet Agency medical standards and failure during the initial twelve month period to demonstrate the qualifications required in their assignments.

4. RESPONSIBILITIES

a. Operating Officials and Heads of Career Services

Operating Officials and Heads of Career Services are responsible for continuously evaluating the performance and conduct of employees under their respective jurisdictions. They should advise employees of their shortcomings and warn them of the consequences of continued substandard performance or behavior. They are also responsible for recommending to the Director of Personnel separation of those individuals who, in their

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view, do not meet Agency standards on such bases as work performance, security or conduct.

b. Director of Personnel

The Director of Personnel is responsible for recommending appropriate action to the Director of Central Intelligence.

c. Director of Security

The Director of Security is responsible for advising the Director of Central Intelligence and the Director of Personnel of security factors bearing on proposed separations.

d. Chief, Medical Staff

The Chief, Medical Staff, is responsible for advising the Director of Central Intelligence and the Director of Personnel of the medical factors bearing on proposed separations.

5. EMPLOYMENT REVIEW BOARD

The Director of Central Intelligence may appoint an Employment Review Board to advise him concerning any particular case.

ALLEN W. DULLES
Director of Central Intelligence

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SEPARATIONS

SECTION I: Voluntary Separations
Separations to Enter Military Service
Mandatory Separations
Death

1. GENERAL

Separations covered by this section of the handbook include actions taken in response to requests by employees (voluntary separations), separations to enter military service, actions which the Agency is required to take (mandatory separations), and death.

2. VOLUNTARY SEPARATIONS

a. Resignation

- (1) When an individual intends to resign from the Agency he should give as much notice as possible.
- (2) The reasons offered by an employee for his proposed resignation shall be carefully considered, and he shall be interviewed by his supervisor and a representative of the Office of Personnel as soon as his intention to leave has been made known.
- (3) The effective date of a resignation shall be the close of business on the last day the employee is present for duty except in the following circumstances:
 - (a) When an employee resigns during, or at the expiration of an approved leave period, the date of resignation shall be fixed

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as the closing date of the pay period during which his resignation is received by the Office of Personnel and any intervening period shall be covered by leave with or without pay.

- (b) When an employee resigns in circumstances where it is proper to grant any accrued annual or sick leave, the date of resignation may be extended to permit granting unused leave.

b. Resignation to Accept Other Federal Employment

- (1) This action permits an employee to be appointed by another Federal agency without a break in service of one work day.
- (2) The effective date of this type of resignation shall be fixed by the Office of Personnel and the other agency concerned.

c. Optional Retirement

Employees may exercise the option of retiring when they meet certain age and length of service requirements as provided by the Civil Service Retirement Act. Employees may consult with the Office of Personnel concerning their eligibility for optional retirement.

d. Disability Retirement

- (1) Employees who are eligible for disability retirement shall be separated by this action upon approval of their applications by the U. S. Civil Service Commission. Application for this type of retirement may be made by the employee, by his guardian or other

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interested party if he is mentally incompetent, or by the Agency.

The Office of Personnel shall furnish advice and assistance regarding eligibility requirements and steps necessary to process the application.

- (2) An employee who is physically or mentally disqualified for further employment by this Agency and who is eligible for disability retirement shall be continued on the rolls on sick leave, or leave without pay if necessary, pending approval of his application for disability retirement.

3. SEPARATIONS TO FURNISH MILITARY SERVICE

When an employee enters military service under a program which provides restoration rights to his civilian employment, he shall be separated by administrative action in such a way as to preserve his legal entitlements. The Head of his Career Service shall supply the required information about the position he is leaving. The Office of Personnel shall process the administrative action and advise the employee of his leave and retirement rights and his restoration rights under appropriate Federal statutes and the U. S. Civil Service Commission regulations.

4. MANDATORY SEPARATIONS

a. Mandatory Retirement (Age)

An employee who has reached age 70 and has completed 15 or more years of

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creditable service must be retired. This retirement becomes effective at the end of the calendar month during which the employee meets both age and length of service requirements.

b. **Determination of Legal Incompetence**

An employee who is declared mentally incompetent by court action and who is not eligible for disability retirement shall be separated by the action "Separation (Legal Incompetence)". The effective date of the separation shall be the date the Agency receives notification of court action as extended by any unused sick leave to the employee's credit. The Office of Personnel shall advise the legal guardian that he may submit a claim for unpaid salary since payments cannot be made to the employee after the date of the court action declaring him incompetent.

5. **DEATH**

Upon receipt of appropriate notification of death of an employee, the Office of Personnel shall report the death to the Director of Central Intelligence, shall render assistance to the survivors, and shall arrange for the prompt settlement of all entitlements pertaining to Agency employment.

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SEPARATIONS

SECTION 11: Involuntary Separations

1. GENERAL

Pursuant to his statutory authority, the Director may separate any employee of the Central Intelligence Agency immediately when he deems it necessary or advisable in the interests of the United States. To the extent that is consistent with interests of the United States, separations shall be effected on the basis of a thorough and impartial review of all pertinent information, favorable and unfavorable to the individual concerned.

2. SEPARATION PROCEDURE

Deputy Directors and Heads of Career Services shall identify personnel under their jurisdiction who should be considered for separation. Whenever an individual has been so identified the Deputy Director, Head of Career Service or a senior representative shall review the case with the Director of Personnel and, as appropriate, with the Director of Security and Chief, Medical Staff for the purpose of arriving at a clear understanding of the nature of the action to be undertaken. Particular attention will be paid to the following:

a. Work and Efficiency Standards

The considerations under this heading are those involving failure of an individual to meet work and efficiency standards of his Career Service or

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his failure to perform adequately the duties of the position to which assigned.

b. Standards of Discipline

The consideration under this heading is failure to meet Agency standards of discipline as evidenced by abandonment of position, insubordination, delinquency, a criminal act or other acts of misconduct. (Instances of gross misconduct or criminal acts shall be reported immediately to the Deputy Director concerned, the Inspector General, Director of Security and Director of Personnel.)

c. Security and Medical Standards

The Director of Personnel shall call upon the Director of Security and Chief, Medical Staff to advise him concerning the security and medical elements pertaining to any case under review. It shall furthermore be the responsibility of the Director of Security and Chief, Medical Staff to investigate and evaluate evidence and to recommend action in those cases in which the individual does not meet Agency security or medical standards.

The Deputy Director or Head of the Career Service shall complete his investigation and review of the case in accordance with the steps prescribed by the Director of Personnel, with appropriate reference to the Director of Security or the Chief, Medical Staff in those cases involving their responsibilities.

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If he concludes that the individual should be separated from the Career Service, he shall ensure that the individual is so informed and that the reasons for this action are carefully explained. He shall at this point forward the case with all required documentation to the Director of Personnel. The Director of Personnel shall also advise the employee that he is being considered for separation from the Agency and shall extend to him an opportunity to submit a written statement or make oral presentation of his case. After the Director of Personnel has reviewed all pertinent materials including those provided by the employee concerned, he shall advise the Director of Central Intelligence if he recommends separation.

3. NOTIFICATION AND OPPORTUNITY TO REQUEST RECONSIDERATION

In those cases in which the Director of Central Intelligence determines that immediate separation action must be taken in the interests of the United States, the individual, upon notification of this decision, may address a request for reconsideration to the Director of Central Intelligence. In all other cases the Director of Personnel shall notify the individual concerned of his intent to recommend to the Director of Central Intelligence that separation action be taken and shall advise him of his right to appeal the recommendation to the Director of Central Intelligence.

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CONCURRENCES:

[Redacted Signature]

Deputy Director (Intelligence)

18 May 59
Date

(S) [Redacted Signature]

Deputy Director (Plans)

18 MAY 1959
Date

(signed) H. Gates Lloyd

Acting Deputy Director (Support)

18 MAY 1959
Date

SIGNED

General Counsel

18 MAY 1959
Date

SIGNED

Inspector General

MAY 1959
Date

SIGNED

Acting Director of Personnel

18 MAY 1959
Date